

Rejections Under 35 U.S.C. § 112

Claims 2-3 and 23-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended claims 2-3 to recite "a convection medium." Applicants also have amended claims 23-24 to depend on claim 22. Thus, applicants have conformed to the rejection by clarifying the subject matter of the claims. Applicants respectfully request reconsideration and allowance of claims 2-3 and 23-24.

Rejections Under 35 U.S.C. § 102

Claims 1-2, 5-9, and 22-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yeh (U.S. Patent No. 5,706,169). Independent claims 1 and 22 have been amended to include the limitation "that extends along a portion of the length of the top of the at least one fin." Support for this limitation can be found in Figure 1 of applicants' application, among other places. Yeh discusses using cooling holes 306 at column 3, lines 52-67. Cooling holes of Yeh are insufficient to disclose the subject matter of claims 1 and 22. Yeh also fails to discuss the subject matter of claims 2, 5-9, and 22-23 which depend on claims 1 and 22. Applicants respectfully request reconsideration and allowance of claims 1-2, 5-9, and 22-23.

Rejections Under 35 U.S.C. § 103

Claim 3 was rejected under 35 U.S.C. § 103 as being unpatentable over Yeh in view of Bishop et al. (U.S. Patent No. 5,576,932). Applicants respectfully traverse.

Bishop et al. use flanges that are couched as "rectangular-shaped fins." See Bishop et al., at Figure 3 and column 3, line 66, among other places. But Yeh believes that devices using flanges, which are formed by extrusion molding, are defective in design. See Yeh, at column 1, lines 19-34. In order to combine Yeh and Bishop et al., the Office would have to remove the corrugated construction approach of Yeh or remove the flange construction approach of Bishop et al. The MPEP has indicated that "if the proposed modification .. would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims prima facie obvious." See MPEP sec. 2143.01.

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Because the Office has failed to state a prima facie case of obviousness, the rejection is improper. Because the rejection is improper, the rejection should be withdrawn.

Reconsideration and allowance of claim 3 is respectfully requested.

no | Claim 24 was rejected under 35 U.S.C. § 103 as being unpatentable over Yeh. Applicants respectfully traverse. Under In Re Joseph Leshin, 125 U.S.P.Q. 416 (CCPA 1960), the Office must show that diamond is a well-known material suitable for use in a heat sink. If the Office persists in having a view that diamond is a well-known material suitable for use in a heat sink, applicants respectfully request that references be provided pursuant to MPEP 2144.03.

Reconsideration and allowance of claim 24 is respectfully requested.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (612) 371-2129 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

Nov 23, 2000

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 26 day of November, 2000.

Jane E. Brockschink

Name

[Signature]
Signature